

Docket No.: 00 P 7571 US
App. No.: 09/546,264

REMARKS

Claims 1-22 and 34-39 are pending in the Application. Claims 23-33 have been canceled. Claims 1, 12, 14, 18 and 20-22 have been amended. Claims 34-39 have been added. No new matter was added, support for claim amendments and new claims is provided throughout the specification and drawings, specifically page 6, lines 9-20 and page 8, line 23 to page 9, line 4.

Claim Rejections - 35 U.S.C. § 103

The Patent Office rejected claims 1-9, 11-20, 22-31 and 33 under 35 U.S.C. § 103(a) as being unpatentable over Applicants Admitted Prior Art ("AAPA") in view of U.S. Patent No. 6,587,457 by Mikkonen ("Mikkonen").

The Patent Office rejected claims 10, 21 and 32 under 35 U.S.C. § 103(a) as being unpatentable over Applicants Admitted Prior Art ("AAPA") in view of U.S. Patent No. 6,587,457 by Mikkonen ("Mikkonen") and further in view of U.S. Patent No. 6,363,065 by Thornton et al. ("Thornton").

Applicant respectfully traverses both rejections. To establish *prima facie* obviousness of a claimed invention, all the claim limitations must be taught or suggested by the prior art. *In re Ryoka*, 180 U.S.P.Q. 580 (C.C.P.A. 1974). See also *In re Wilson*, 165 U.S.P.Q. 494 (C.C.P.A. 1970). Applicant respectfully submits claims 1 and 12 include elements that have not been disclosed taught or suggested by AAPA, Mikkonen and Thornton. For instance, AAPA, Mikkonen and Thornton do not teach, disclose or suggest a Generate Quality of Service Ethernet layer including a control unit, a memory coupled to the control unit and a buffer coupled to the control unit, wherein an input buffer of said buffer receives said call commands from the Internet Protocol voice communication stack and buffers the call commands during a command conversion, an output buffer of said buffer receiving the call commands from the input buffer, the buffer forwarding Quality of Service commands to the Quality of Service Ethernet layer. As a

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result, under *In re Ryoka*, a *prima facie* case of obviousness has not been established for claims 1 and 12. Thus, claims 1 and 12 are believed allowable. Claims 2-11, 13-22, and 34-39 depend from one of claims 1 and 12, and consequently are believed allowable.

Conclusion

Applicants respectfully submit that all claims are allowable, and it is respectfully requested that the entire application now be passed to formal allowance.

It is not believed that any fees are due at this time. If, however, the Examiner disagrees, please charge our Deposit Account No. 19-2179. Please also charge this deposit account for any additional fees required, or credit any overpayment, pursuant to 37 CFR 1.25, at any time during the pendency of this application.

Respectfully Submitted,

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